

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: The Matter of the Application of Pacific Recovery Partners LLC for an Order to Take Discovery Pursuant to 28 USC 1782.

No. 25-MC-119 (KPF)

ORDER GRANTING THE *EX PARTE* APPLICATION OF PACIFIC RECOVERY PARTNERS LLC FOR AN ORDER TO TAKE DISCOVERY PURSUANT TO 28 U.S.C. §1782

This matter comes before the Court on the *ex parte* Application of Pacific Recovery Partners LLC (“**Pacific Recovery**” or the “**Applicant**”) for an order to take discovery pursuant to 28 U.S.C. §1782 for use in contemplated foreign proceedings against David T. Smith. The Court has considered Pacific Recovery’s Application, the Declaration of Darren Maloney of March 21, 2025, and the Declaration of Edward W. Floyd of March 21, 2025, along with their accompanying exhibits, and the Applicant’s Memorandum of Law, and good cause having been shown:

IT IS HEREBY ORDERED THAT:

- (a) Pacific Recovery’s Application is granted;
- (b) Respondents Citibank, N.A.; Deutsche Bank Trust Co. Americas; The Bank of New York Mellon; JPMorgan Chase Bank, N.A.; Wells Fargo Bank, N.A.; Barclays Bank PLC; Bank of America, N.A.; HSBC Bank USA, N.A.; Societe General, New York Branch; UBS AG, New York Branch; BNP Paribas, USA, Inc.; Standard Chartered, New York Branch; Commerzbank AG; The Bank of Nova Scotia; and The Clearing House Payment Company LLC (collectively, “**Respondents**” or “**Respondent Banks**”) shall make available to the Applicant all documents responsive to the categories of documents described in Appendix 1 of this Order within twenty (20) days

of service of this Order on each respective Respondent or at such other time as may be agreed;

- (c) Edward Floyd and any other attorneys affiliated with the law firm Floyd Zadkovich (US) LLP and admitted to practice before this Court are appointed as examiners to: (i) issue subpoenas to Respondents, with Appendix 1 to this Order being attached to such subpoenas as the enumeration of document categories; and (ii) obtain the requested documents and information pursuant to the Federal Rules of Civil Procedure;
- (d) In liaising with Respondents regarding efforts to locate material responsive to the aforementioned subpoenas at Appendix 1, Edward Floyd and any other attorneys affiliated with the law firm Floyd Zadkovich (US) LLP may provide Respondents with further identifying information regarding individuals listed in Schedule A to Appendix 1; AND
- (e) The Applicant shall serve a copy of this Order on Respondents.

IT IS SO ORDERED.

Dated: May 5, 2025
New York, New York



Hon. Katherine Polk Failla
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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APPENDIX 1 — SUBPOENA *DUCES TECUM*

Citibank, N.A.; Deutsche Bank Trust Co. Americas; The Bank of New York Mellon; JPMorgan Chase Bank, N.A.; Wells Fargo Bank, N.A.; Barclays Bank PLC; Bank of America, N.A.; HSBC Bank USA; Societe General; UBS AG; BNP Paribas; Standard Chartered; Commerzbank AG; The Bank of Nova Scotia; and The Clearing House Payment Company LLC (collectively, “**Respondents**” or “**Respondent Banks**”) shall produce copies of the documents described herein no later than twenty (20) days from service upon them of the foregoing Order, at the offices of Floyd Zadkovich (US) LLP, 33 E 33rd Street, Suite 905, New York, NY 10016.

Definitions and Instructions

- A. Each of the Uniform Definitions in Discovery Requests which are set forth in Local Civil Rule 26.3 for the United States District Court for the Southern District of New York, are and shall be deemed to be, fully incorporated herein.
- B. Each request covers the period from January 1, 2008, through present.
- C. “Transfer” shall mean any transfer of funds, including but not limited to, all wire transfers and all transfers as an intermediary bank or correspondent bank to CHIPS, Fedwire, or a transfer otherwise facilitating an interbank funds transfer.

Document Requests

1. All Documents and Communications regarding any accounts you have ever held or maintained, and/or Transfers, on behalf of David Thomas Smith, with any of the following registered and/or residential addresses:
 - i. 1545 Lachman Lane
 - ii. 3 Cadogan Square
 - iii. 17 Chester Square
 - iv. 51 Chester Square
 - v. 17 East 77th Street
 - vi. 16 Compo Parkway
2. All Documents and Communications regarding any accounts you have ever held on behalf of any of the entities listed in Schedule A, **Section 1** below.
3. All Documents and Communications regarding any Transfer on behalf of, or with reference to, or involving, any of the entities, individuals, names, or terms listed in Schedule A, **Sections 1, 3, or 5**.
4. All Documents and Communications regarding any Transfer on behalf of, or with reference to, or involving, any of the entities, individuals, names, or terms listed in Schedule A, **Sections 2, 4, or 6** that also reference any of the entities, individuals, names, or terms listed in Schedule A.
5. All Documents and Communications referencing or otherwise concerning 1545 Lachman Lane, Pacific Palisades, California.

SCHEDULE A**Section 1:**

1. BTM Funding, Inc.
2. Mira Overseas Consulting Ltd.
3. Cicladian Trust
4. Fiduciary Administrative Services (Pacific) Limited
5. Highground Trust
6. Marguerita Trust
7. Aerium Fairfield 1
8. Aerium Fairfield 2
9. Aerium Finance Limited
10. Aerium Investment Advisors, Sarl
11. Aerium Finance – France
12. Aerium Atlas Management, Sarl
13. Aerium Atlas Management – CIA, SA
14. Compagnie d’Investissement de l’Atlas, SA
15. Groupe Leonard De Vinci International SA
16. Groupe Leonard De Vinci (LUX)
17. Groupe Aerium International SA (LUX)
18. Zamin Sarl
19. Atlas Investments
20. Cadogan Investments, SA
21. Cadogan Investments II Sarl
22. Cadogan C1 Sarl
23. Ensof Advisory Ltd.
24. Ensof Capital SAS
25. Ensof Capital Holding Sarl
26. Ensof Holdings SA
27. Asset Management Luxembourg, Sarl
28. Melbury Park Holdings, SA
29. Falconer Holdings SA
30. Menatlas Lux, Sarl;
31. MENATLAS 7
32. MENATLAS 14
33. Sextus Ltd.
34. Altham Investments Ltd.
35. Altham Holdings
36. Austel Holdings Inc.
37. Chester Opportunity SA

38. Chester Opportunity, Sarl
39. Chester Opportunity 1, Sarl
40. Chester Opportunity 2, Sarl
41. Chester Opp 2 France
42. Chester Opportunity Fund
43. Chester Properties I Sarl
44. Chester Global Strategy Fund
45. Chester 1 SCI
46. Chester France
47. Chester IDF
48. Chester Properties I Sarl
49. Chester Seven Capital SA
50. Sarl Chester County
51. Sarl Chester France
52. Sarl Chester Hill
53. Sarl Chester IDF
54. Sarl Chester Valley
55. Sarl Fonciere Chester Investments
56. Fonciere CG & Associates
57. Fonciere Chester Investments
58. Driancourt & Cie
59. DT Capital Group, Inc.
60. Mezzarive Finance SA
61. Embervale Holding Ltd
62. Ebsworth Holding & Finance Ltd.
63. SPWM Management Limited
64. EAMF Investment Ltd.
65. Genesis Capital, LLC
66. Sterling River Realty
67. Sterling River Realty Corporation
68. Sterling River Capital, LLC
69. Sterling River Management Group, LLC
70. Grace Bay, LLC
71. Grace Bay Holdings, LLC
72. Grace Bay Holdings II, LLC
73. Culver White, LLC
74. Layhead Finance, Ltd.
75. NC Finance Sarl
76. Raleigh Holdings SA
77. Aviv Bay Holdings, Ltd.

78. Riverside Nominees SA
79. Sonesta Holdings Ltd.
80. Square de Rive Ltd.
81. Standford Denton 2010 Trust
82. Glen Echo, LLC
83. Pecos Canyon, LLC
84. Core Capital Management, LLC
85. Core Capital Management, Inc.
86. Core Management Group, LLC
87. Core Opportunity Fund, LLC
88. Core Opportunity Fund II, LLC
89. Core Opportunity Fund III, LLC
90. Coronado Capital Group, LLC
91. Coronado Investment Fund, LLC
92. Glen Echo, LLC
93. Pine Island LLC
94. Barford Road Ltd.
95. Steetly Investments Ltd.
96. Warnest Finance Ltd.
97. Zennor Investments Ltd.
98. Zennor Finance Ltd.

Section 2:

1. Bainbridge Partnership
2. Bainbridge Properties Sarl
3. Bainbridge Capital Sarl
4. Bainbridge Capital Sarl
5. Bainbridge Poland Management Sarl
6. Tyrolese (556) Limited
7. Tyrolese (Secretarial) Limited
8. Tyrolese (Directors) Limited
9. W.P. Carey Inc.
10. Irongate Global Strategy Fund

Section 3:

11. Carmen Copple
12. Carmen Copple Smith
13. Norma Florin Smith
14. Andrew Florin Smith
15. Kendrick Jan

16. Gordon Spinks
17. Douglas Preudhomme
18. Franck Ruimy
19. Ely-Michel Ruimy
20. Jack Ruimy
21. Alain Driancourt
22. Adrian Braimer-Jones
23. Christian Rocksroh
24. Jacquelyn Silitch
25. Randall Barton

Section 4:

1. David Smith
2. David T. Smith
3. David Thomas Smith
4. Norma Smith
5. Peter Armstrong
6. Andrew. R. Lamb
7. Antoine Lam Chok
8. Gregory Noyen
9. Martin Egli
10. Andrew Smith
11. Laura Smith
12. Robert Smith

Section 5:

1. “BTM Funding”
2. “Cycladian”
3. “Aerium”
4. “Mezzarive”
5. “Square de Rive”

Section 6:

1. “Mira”
2. “Highground”
3. “Atlas”
4. “Leonard De Vinci”
5. “Fairfield”
6. “Zamin”

7. “Cadogan”
8. “Ensof”
9. “Melbury”
10. “Falconer”
11. “Menara Resort”
12. “Menatlas”
13. “Sextus”
14. “Altham”
15. “Austel”
16. “Chester”
17. “Fonciere”
18. “Driancourt”
19. “DT Capital”
20. “Embervale”
21. “Ebsworth”
22. “SPWM”
23. “EAMF”
24. “Genesis Capital”
25. “Sterling River”
26. “Grace Bay”
27. “Culver White”
28. “Layhead”
29. “NC Finance”
30. “Raleigh Holdings”
31. “Aviv Bay”
32. “Riverside Nominees”
33. “Sonesta”
34. “Standford Denton”
35. “Glen Echo”
36. “Pecos Canyon”
37. “Core Capital”
38. “Core Management”
39. “Core Opportunity”
40. “Coronado Capital”
41. “Coronado Investment”
42. “Pine Island”
43. “Barford Road”
44. “Steetly”
45. “Warnest”
46. “Zennor”